

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD WALSH,

Plaintiff,

- against -

WOR RADIO a/k/a BUCKLEY
BROADCASTING COMPANY,

Defendant.

07 CV 003729

**Defendant's Notice of Motion to
Dismiss or, in the Alternative,
To Stay the Action Pending
Arbitration**

PLEASE TAKE NOTICE that, upon the Complaint, annexed hereto as Exhibit A, and the supporting memorandum of law filed herewith, defendant Buckley Broadcasting Corporation, erroneously denominated WOR-Radio a/k/a Buckley Broadcasting Company in the Complaint, will move the Court before the Honorable Victor Marrero, United States District Judge, in Courtroom 20B of the United States Courthouse, 500 Pearl Street, New York, New York, on the 25th day of July, 2007 at _____ .m., or as soon thereafter as counsel can be heard, for an Order dismissing the action against said defendant pursuant to Rule 12(b) of the Federal Rules of Civil Procedure or, alternatively, for an Order staying the action pending arbitration of plaintiff's claims, and for such other relief as the Court deems just and proper.

Dated: New York, New York
July 3, 2007

KAUFF McCLAIN & McGUIRE LLP

By:


William E. Zuckerman (WEZ-2700)
J. Patrick Butler (JPB-8484)

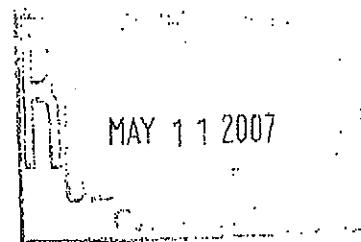
950 Third Avenue, Fourteenth Floor
New York, New York 10022
(212) 644-1010

Counsel for Defendant
Buckley Broadcasting Corp.

EXHIBIT A

JUDGE MARK E. COHEN**07 CV 3729**

John R. Keough, III (JK 6013)
Cody D. Constable (CC 6659)
WAESCHE, SHEINBAUM & O'REGAN, P.C.
Attorneys for Plaintiff
111 Broadway, 4th Floor
New York, New York 10006
(212) 227-3550



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF CASE

X

EDWARD WALSH,

07 Civ.

Plaintiff,

-against-

COMPLAINT

WOR RADIO, a/k/a BUCKLEY BROADCASTING
COMPANY,

**JURY TRIAL
DEMANDED**

Defendant.

X

Plaintiff, Edward Walsh, by his attorneys, Waesche, Sheinbaum & O'Regan, P.C., complaining of Defendant, WOR Radio (a/k/a Buckley Broadcasting Company), alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff is natural person and a citizen of the state of Massachusetts.
2. Defendant is a corporation organized and existing under the laws of one of the states of the United States, with an office and principal place of business at 111 Broadway, New York, New York 10006.
3. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. This Honorable Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

**AS AND FOR A CAUSE OF ACTION:
BREACH OF CONTRACT**

5. Defendant employed Plaintiff as a radio program host pursuant to the valid terms of a written contract of employment for a period of three (3) years from September 26, 2003.

6. On or about August 10, 2006, Defendant, by its general manager, Robert Bruno, entered into a valid and binding oral contract of employment with Plaintiff for employment to begin on or about September 25, 2006 (the "Contract").

7. In exchange for an agreed salary and for other good and valuable consideration, Defendant agreed under the Contract to employ Plaintiff, and Plaintiff agreed to employment, as a radio program host for a period of three (3) years from September 25, 2006.

8. Defendant and Plaintiff further agreed under the Contract that Plaintiff would be entitled to four (4) weeks of vacation during each year of employment and to an annual auto allowance in a certain sum.

9. On August 25, 2006, Defendant wrongfully terminated Plaintiff's employment as of September 22, 2006, thereby breaching the Contract.

10. As a direct and proximate result of Defendant's breach of contract, Plaintiff has sustained damages by loss of salary and other compensation, including but not limited to severance, health and retirement benefits, and vacation, in a sum of approximately at least \$1,600,000, plus interest, costs and attorneys' fees.

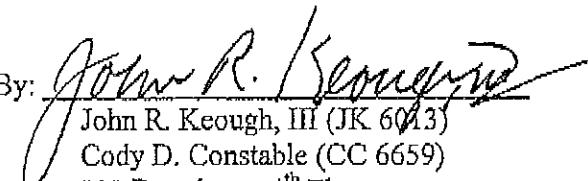
WHEREFORE, Plaintiff prays

- a. That the Court enter judgment for Plaintiff and against Defendant;
- b. That the Court award Plaintiff damages in the amount of at least approximately \$1,600,000, plus interest, costs and attorneys' fees; and
- c. That the Court grant such other and further relief as may be just and proper.

Dated: New York, New York
May 10, 2007

WAESCHE, SHEINBAUM & O'REGAN, P.C.
Attorneys for Plaintiff

By:


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